



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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### Prepared by

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#### CASE NUMBER

T24-00004

#### PLANNING & ZONING BOARD HEARING DATE

August 7, 2024

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#### APPLICANT

City of Palm Bay

#### PROPERTY LOCATION/ADDRESS

Not Applicable

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#### SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, by Creating a New Title XVII, 'Land Development Code' to Provide for the Governance and Regulation of the City of Palm Bay Land Development Regulations including Zoning, Accessory Uses, Subdivision Requirements, Signs, Natural Resources, Streets, Parking, Building Design, Adult Entertainment, and Development Review Procedures; Providing for the Repeal of Ordinances or Parts of Ordinances in Conflict; and Providing for Inclusion in the City of Palm Bay Code of Ordinances.

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**BACKGROUND:**

The City of Palm Bay updated the City of Palm Bay Comprehensive Plan 2045 in July 2023. In accordance with Florida Statute 163.3202 - Land development regulations; “each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.”

The Palm Bay 2045 Comprehensive Plan Future Land Use Element was adopted on May 1, 2023, and became effective on June 10, 2023. The remaining Palm Bay Comprehensive Plan Elements were adopted on May 18, 2023, and became effective on July 20, 2023. As part of the update to the Comprehensive Plan, the City is required to review and update the Land Development Code (LDC) to ensure consistency with the recently adopted plan. The LDC is intended to establish policy that guides development of property within Palm Bay City limits.

The City’s Growth Management Department, in coordination with Inspire Placemaking, kicked off the LDC overhaul in May of 2023 and held several public workshops with stakeholders on proposed amendments to the zoning code. An onsite public workshop was held in the Council Chambers on September 21, 2023, and a virtual workshop was held on October 2, 2023, to solicit input on general and specific concerns of the community.

Growth Management Department and Inspire Placemaking will present a summary of the proposed amendments to the Planning & Zoning Board and City Council. The proposed amendments will be presented to the Planning & Zoning Board at the regular meeting scheduled for Wednesday, August 7 at 6 PM in Council Chambers. The Board will make a recommendation to City Council. The Council will hold the first public hearing at a special meeting on August 8, and the second and final public hearing will occur at the Regular Council Meeting scheduled for Thursday, September 19, 2024.

The proposed language for this amendment is presented as Attachment “2” as a “clean” version and Attachment “3” in legislative style with additions as underlined and deletions in strikethrough format for informational purposes only. The Planning and Zoning Board will make a recommendation on the adoption of the final clean version.

**PURPOSE:**

The LDC must be updated to comply with the City of Palm Bay's Comprehensive Plan update, adopted in 2023.

**ANALYSIS:**

The Code of Ordinances which contains Title XVII Land Development Code, was recodified in 1996 but many sections reference codes dating back to the 1970's. These sections have seen many revisions as the City has grown and legislation and development has mandated applicable changes. Today, the City has worked to improve, not only the development standards to ensure compliance with current legislation and policies, but also to improve the formatting to clarify processes and simplify application of the community's requirements. For example, some sections have been combined under new titles or moved to more applicable regulatory documents such as the Public Works Manual and the Code of Ordinances. The City has worked closely with the consultant to ensure that existing codes governing the development of the City were either moved, modified, or saved, along with the creation of new codes that were necessary to meet the expressed desire of the community.

In order to complete this monumental task, it was advised that the cleanest method was to move certain sections, repeal the entire LDC, and then adopt the newly created version of the LDC. The following lists are presented to assist the community with the ability to compare the existing list of sections with the new created sections.

**NEW CHAPTERS**

CHAPTER 170. GENERAL PROVISIONS  
CHAPTER 171. DEFINITIONS;  
ABBREVIATIONS AND  
ACRONYMS  
CHAPTER 172. DEVELOPMENT REVIEW  
PROCEDURES  
CHAPTER 173. ZONING  
CHAPTER 174. STANDARDS FOR  
ACCESSORY,  
TEMPORARY, AND  
OTHER USES AND  
STRUCTURES  
CHAPTER 175. TREE PROTECTION,  
LANDSCAPING,  
BUFFERING  
CHAPTER 176. STREETS, PARKING,  
AND LOADING  
CHAPTER 177. SUBDIVISION, SITE AND  
BUILDING DESIGN  
CHAPTER 178. SIGNS  
CHAPTER 179. NATURAL RESOURCES  
CHAPTER 180. ADULT ENTERTAINMENT  
CODE

**EXISTING CHAPTERS**

169. LAND DEVELOPMENT CODE  
170. CONSTRUCTION CODES AND  
REGULATIONS  
171. FAIR SHARE IMPACT FEES  
172. ENVIRONMENTAL REGULATIONS  
173. ADULT ENTERTAINMENT CODE  
174. FLOODPLAIN AND STORMWATER  
MANAGEMENT  
175. MINING/EXCAVATION OPERATIONS  
176. FUEL STORAGE TANK SYSTEMS  
177. FIRE PREVENTION AND PROTECTION  
178. SIGNS  
179. STREETS AND OTHER  
RIGHTS-OF-WAY  
180. TREES AND SHRUBBERY;  
LANDSCAPING  
181. WATER AND SEWERS  
182. PUBLIC IMPROVEMENTS  
183. COMPREHENSIVE PLAN  
REGULATIONS  
184. SUBDIVISIONS  
185. ZONING CODE  
186. COMMUNICATION TOWERS AND  
FACILITIES  
187. ADMINISTRATIVE MORATORIA

The following list contains the sections moved to other Titles or other Documents presented for information purposes only. The PZ Board will not be providing a recommendation to the Council on these actions.

- BUILDING CODE *[MOVED TO CH. 96 (ORD 2023-26)]*
- FIRE PROTECTION AND ALARM SYSTEMS *[MOVED TO CH. 96]*
- PARK, POLICE AND FIRE IMPACT FEES *[NOW IN TITLE X, CH. 103]*
- TRANSPORTATION FACILITIES IMPACT FEE *[NOW IN TITLE X, CH. 103]*
- WATER AND WASTEWATER IMPACT FEES *[NOW IN TITLE X, CH. 103]*
- PROPORTIONATE FAIR SHARE TRANSPORTATION *[MOVED TO NEW TITLE X]*
- PUBLIC NUDITY *[MOVED TO TITLE IX, CH. 102]*
- STORMWATER MANAGEMENT UTILITY *[MOVED TO TITLE XX, CH. 204]*
- CHAPTER 177: FIRE PREVENTION AND PROTECTION *[NOW IN TITLE III, CH. 33]*
- MUNICIPAL TREE CODE *[MOVED TO TITLE IX, NEW CHAPTER 103]*
- § 179.033 ROADWAY SURFACING. *[PUBLIC WORKS MANUAL]*
- § 179.031 STREET NAME SIGNS. *[PUBLIC WORKS MANUAL]*
- CLOSURE AND ABANDONMENT OF EASEMENTS AND DRAINAGE RIGHTS-OF-WAY *[MOVED TO TITLE IX, CH. 102]*
- GOLF CARTS *[NOW IN TITLE VII, CH. 75]*
- CHAPTER 181: WATER AND SEWERS *[NOW IN TITLE XX, CH. 201]*
- WATER SHORTAGE EMERGENCY *[NOW IN TITLE XX, CH. 205]*
- § 185.123 REGULATION OF VEHICLES IN RESIDENTIAL AREAS. *[MOVED TO TITLE VII, CH. 74]*
- § 179.096 PERMIT PROCEDURES AND REQUIREMENTS. *[PUBLIC WORKS MANUAL]*
- § 179.097 DESIGN, MATERIAL, TESTING AND REPORTS. *[PUBLIC WORKS MANUAL]*
- § 179.098 CONSTRUCTION PROCEDURES. *[PUBLIC WORKS MANUAL]*
- § 179.099 EMERGENCY WORK. *[PUBLIC WORKS MANUAL OR TITLE VII, TRAFFIC AND VEHICLES, CH. 70, GENERAL PROVISIONS]*

**STAFF RECOMMENDATION:**

Staff recommends case T24-00004 for approval.